IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 25241 of 1997

Between:

Sri Satya Sai Co-operative House Building Society Ltd,

Rep.by President I. Srinivasa Rao,

S/o. Pitchaiah, aged 52 years, r/o. Guntur.

..... PETITIONER

AND

1. The Government of A.P. rep.by

Secretary, Revenue Department, Secretariat,

Hyderabad.

2. The Special Officer, Urban Land Ceilings,

5/2, Arundelpet, Guntur.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Certiorari to quash the proceedings of the 1st respondent herein/Government of A.P. Revenue Department, dated 25-03-1997 in Memo No.984/UCI(2)/82-17 is illegal, arbitrary, without jurisdiction, unconstitutional against the principal of natural justice and set aside the same, and pass such other order or orders.

Counsel for the Petitioner: MR.T.RAJENDRA PRASAD

Counsel for the Respondents: G.P. FOR REVENUE.

The Court made the following:

ORDER:

The petitioner herein, who is Sri Satya Sai Co-operative House Building Society Limited, filed this writ petition seeking to quash the impugned proceedings passed by the 1st respondent in Memo No.984/UC.I(2)/82-17, dated 25-03-1997, by way of Writ of Certiorari in rejecting the request of the petitioner for granting exemption of the land situated at Ankireddipalem village, Guntur District, from the purview of under Section 20 (1) (a) of the Urban Land (Ceiling & Regulation) Act, 1976 (for short 'the Act').

The main grievance of the petitioner is that they filed an application for exemption of land from the purview of under Section 20 of the Act and the same was pending. While so, the Government issued G.O.Ms.No.964 dated 27.6.1983 wherein the state Government issued directions that no exemption would be granted to any society as a matter of policy. Challenging the same, the petitioner filed Writ Petition being No. 7991 of 1983 and the same was allowed on 02.9.1986 directing the Government to consider the application of the petitioner as per the guidelines issued under G.O.Ms. No. 136 dated 28.01.1981. It is further contended that instead of complying with the same, the first respondent passed the impugned orders rejecting the application

without assigning any reasons and directing the second respondent to take over possession of the land under the provisions of the Act.

Considering the submissions made and also on perusal of the entire material available on record it is to be seen that the impugned orders are passed without giving any reasons except stating that the request of the petitioner does not deserve consideration. There is no reference to earlier orders passed by this Court in Writ Petition No. 7991 of 1983 nor any aspect is considered from the angle of G.O.Ms.No.136, dated 28.01.1981 wherein the guidelines were issued for granting exemption from the purview of under Section 20 (1) of the Act. It is also to be noticed that the G.O.Ms.No.964, dated 27.6.1983 wherein the State Government issued directions that no exemption would be granted to any society as a matter of policy, was challenged in W.P.No.7991 of 1983 and the writ petition was allowed by this Court by order dated 02.09.1986. Further there is nothing on record to show that the petitioner's case was considered as per the guidelines issued in G.O.Ms.No.136, dated 28-01-1981.

In the result, the Writ Petition is allowed setting aside the impugned order dated 25-03-1997 and the 1st respondent is directed to consider afresh the request of the petitioner and pass appropriate orders in accordance with law after giving due notice and opportunity to him. No costs.

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B. Prakash Rao,J.

16th July, 2004

lsn

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Secretary, Revenue Department,

Govt. of A.P., Secretariat, Hyderabad.

2. The Special Officer, Urban Land Ceilings,

5/2, Arundelpet, Guntur.

3. Two CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

4. Two CD copies